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#7
7-30-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Jiebo Luo, et al

DIGITAL IMAGE PROCESSING
SYSTEM AND METHOD FOR
EMPHASIZING A MAIN SUBJECT
OF AN
IMAGE

Serial No. 09/642,533

Filed 18 August 2000

Commissioner for Patents
P.O. Box 1450
Alexandria, VA. 22313-1450

Sir:

Group Art Unit: 2623

Examiner: Wu, Jingge

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Robin G. Reeves
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7/23/03
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Response to Restriction Requirement

As stated in MPEP §803, in a requirement to restrict the application to one of two or more allegedly claimed inventions, the Examiner “must provide reasons and/or examples to support conclusions”. Moreover, according to MPEP §808.02, where related inventions are alleged as claimed to be patentably distinct under the criteria of MPEP §806.05(c) -§806.05(i), “the examiner, in order to establish reasons for insisting upon restriction, must show by appropriate explanation” one of the reasons cited in that section. If there is no clear indication of any of these reasons, then restriction is improper according to MPEP §808.02.

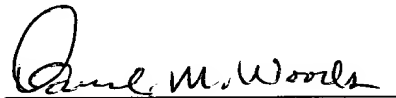
No such reasons are apparent from the restriction letter dated 7/01/03. Accordingly, Applicants traverse on the ground that the restriction requirement as presently stated does not comply with the MPEP §808.02, and Applicants are therefore unable to specifically rebut and/or comment on any of the grounds relied upon for the requirement.

In particular, Applicants want to understand why the provision of one or more thresholds in species II and III as claimed, which arbitrarily, or empirically, delineate the continuum between extremes as set forth in species I (e.g., see p. 15, lines 9-12 and page 17, lines 1-4), would transform these "species" into patentably distinct inventions according to the reasons listed in MPEP §808.02.

Notwithstanding the above comments, and as required by the Examiner, Applicants provisionally elect category I, i.e., the species of Figure 2. Claims corresponding to the species of Figure 2 include 1-12, 15, 19, 22, 27, 29, 32, 36, 39, 44, 46-57, 60, 64, 67, 74, 77, 81, 84, and 89.

Although the restriction letter states that claim 1 is generic, claims 12, 29, 46, 57 and 74 are also believed to be generic.

Respectfully submitted,



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